

Raleigh Appearance Commission – Outdoor Seating Design Review Committee
Minutes of the Meeting
Wednesday, January 27, 2016

Members Present: Brian O’Haver, Brandy Thompson, Jamie Ferguson, Rolf Blizzard, Candice Andre, and Lauren Dickens

Staff Present: Roberta Fox, Carter Pettibone, Dhanya Sandeep, and Rotonda McKoy

Brian O’Haver called the meeting to order at 3:02pm. He went over the agenda and stated this was the fourth of six planned meetings. He said there were four topics for the Commission to review as part of this working group. He also reviewed the items the committee had already discussed in previous meetings.

Review and Approval of Minutes

Members made comments on the draft minutes and asked Staff to make the appropriate revisions to the minutes. Rolf Blizzard moved to approve the minutes as amended and was seconded by Brandy Thompson. The motion passed unanimously.

Discussion – Space Delineation

Roberta Fox said Staff did not have a formal presentation planned, but she would talk about process. She suggested that staff put together the recommendations, have the committee review and revise as necessary, and then submit the recommendations to the full Appearance Commission. She thought that the recommendations would then be brought to City Council in one of their worksessions. Additional meetings could be required before the recommendations go to Council for a decision.

Roberta mentioned that items such as portable heaters would be addressed by another group and that this was outside the scope for the Appearance Commission.

Brian O’Haver began the discussion portion by asking staff to read the current language of the ordinance and its requirements for space delineation. Roberta Fox read the text of the ordinance.

Brian O’Haver stated that more research may be required to determine if the use of the color black for stanchions meets ADA requirements, due to low visibility.

Rolf Blizzard asked if the committee could give recommendations of its preferences. Roberta Fox said they could do so.

Ken Shugart (attendee) addressed the committee. He said he thought the committee was being hypocritical in stating its preference for no stanchions while recommending that businesses still be able to use them if desired.

Brandy Thompson said that the committee has heard that stanchions can be useful. She said it was up to the committee to frame the recommendation in a way that discourages them, but still allows them. Brian O’Haver said that some businesses might want a physical barrier and that appearance was a factor in its use.

Rolf Blizzard said that if business owners want some sort of physical delineation, it should be included in their applications. Discussion followed regarding the use and type of physical delineation that could be used.

An attendee asked if medallions would be allowed since they would be permanently affixed. Staff said that Public Works would need to weigh in on such a decision.

Rolf Blizzard suggested the use of one type of medallion that is issued and installed by the City. The cost for it would be captured as part of the application fee.

Jamie Ferguson said that businesses could still have an above ground physical delineation as well.

Ben Yanessa (attendee) said that he thought some businesses would need at least six medallions in order to comply.

Adam Chasen (attendee) expressed his concern that medallions seemed to be a permanent fixture for what is a temporary permit.

Dhanya Sandeep said that the medallions used by Durham are installed by using a specific type of adhesive for the medallions. She said staff could bring more information regarding Durham's medallions and adhesive to the meeting next week.

Discussion followed regarding space delineation and the use of medallions and vertical delineation elements. Commission members identified a series of elements for staff to incorporate in a draft recommendation to Council, including:

- During normal business operation a permit holder
- Must provide visible delineation between the outdoor seating area and the remainder of the public sidewalk
- At a minimum City-supplied 'Medallions' shall be used to delineate the space.
- The use of above-grade barriers may be considered.
- All elements must be consistent with permit requirements and standards.
- Design of above-ground barriers is to be covered during discussion of design standards

Attendees voiced concerns about how the proposed recommendations would deal with outdoor seating during special events, including enforcement of the ordinance during these times.

Ben Yanessa described an enforcement instance that occurred for his business.

Jennifer Martin (attendee) said that she thought businesses should be able to use their outdoor seating during special events.

Rolf Blizzard said that the public right-of-way is primarily for public use.

Discussion – Physical Elements and Impact on Capacity

Brian O'Haver moved the group into discussion of physical delineation and furniture and their impacts on seating capacity.

Brandy Thompson said that business could have more seating capacity or an easier way to use seating if they were not required to have stanchions. She also noted that there is easier egress in outdoor seating areas since they are outside.

Roberta Fox suggested that the committee identify how outdoor seating elements will impact the capacity instead of making recommendations of revised capacity language.

Brian O'Haver said that the committee should encourage medallions because it could allow additional capacity in the outdoor seating area.

Rolf Blizzard asked staff how other cities deal with a square feet per person requirement. Staff mentioned that Washington DC allows businesses to erect coverings on the sidewalk, thereby making it subject to indoor capacity requirements.

Rolf Blizzard asked if the committee had received any comments from businesses that lost seating capacity due to the revised ordinance. Staff and attendees mentioned they had, and pointed to examples, including Calavera and Foundation.

Committee members asked how the capacity was determined in the ordinance. Roberta Fox described the method used, which included determining the allowable area for seating and dividing it by 15. The old ordinance used the number of table and chairs shown in the approved application diagram.

Ken Shugart asked how a desire to eliminate the 15 square feet per person requirement relates to the appearance, design, and branding of outdoor seating. Brian O'Haver responded by saying he thought the requirement does relate to the character and appearance of the outdoor seating and its relationship to furniture and stanchions.

Discussion followed regarding physical elements and their impact on capacity. Commission members identified a series of impacts, including:

- More seating
- Easier egress
- Items other than medallions
- Minimum dimensions of chairs and tables plus space delineation could equal occupancy
- Maximum/minimum size tables or 15 sf/person
- Potential for percentage increase if certain requirements are met
- Affects the size and scale of furniture that is chosen

Brian O'Haver said that the committee has 2 more meetings planned before submitting a draft for the Council to review in a worksession.

Brian O'Haver was excused from the meeting at 4:35.

Roberta Fox said that staff would bring ideas for draft language for outdoor furnishing to the meeting next week. She also mentioned the group could discuss design standards.

Attendees mentioned that they thought a lot of work had been done during this meeting.

Brandy Thompson moved to adjourn and was seconded by Rolf Blizzard. The motion passed unanimously. The meeting was adjourned at 4:45pm.

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